IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.762 OF 2006

In

NOTICE OF MOTION NO.2707 OF 2006

In

SUIT NO.2439 OF 1990

Ramesh Tikamdas Bajaj : Appellant

(Orig.Deft. No.1)

V/s.

Vinod Tikamdas Bajaj & Ors. : Respondents

...

Mr.Satish Shah i/b. Mr.Y.M.Jain for the appellant.

Mr.D.D.Madon, senior counsel, i/b. Mr.Deepak Thakare for respondent no.2.

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**CORAM : R.M.LODHA & S.A.BOBDE,JJ.**

DATE : OCTOBER 20, 2006.

**P.C**.

1. We heard the counsel for the appellant and the senior counsel for the respondent no.2.

2. From the available material, it transpires that the appellant (original defendant no.1) is not in possession of the premises in Himalaya House for the last ten years.

The ad-interim order, therefore, does not call for any interference.

3. The appellant may file reply-affidavit to the Notice of Motion.

4. We request the learned Motion Judge to hear and decide the Notice of Motion expeditiously, if possible. Needless to say that the consideration of the notice of motion shall be uninfluenced by the impugned order dated 1.9.2006.

5. Appeal stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.